



STATE OF NEW YORK

UNEMPLOYMENT INSURANCE APPEAL BOARD

PO Box 15126

Albany NY 12212-5126

DECISION OF THE BOARD

Mailed and Filed: JULY 08, 2022

IN THE MATTER OF:

Appeal Board No. 621637

PRESENT: MARILYN P. O'MARA, MEMBER

The Department of Labor issued the initial determination disqualifying the claimant from receiving benefits, effective February 9, 2022, on the basis that the claimant voluntarily separated from employment without good cause. The claimant requested a hearing.

The Administrative Law Judge held telephone conference hearings at which testimony was taken. There were appearances on behalf of the claimant and the employer. By decision filed February 9, 2022 (), the Administrative Law Judge sustained the initial determination.

The claimant appealed the Judge's decision to the Appeal Board. The Board considered the arguments contained in the written statements submitted on behalf of the claimant and the employer.

Our review of the record reveals that the case should be remanded to hold a further hearing regarding the claimant's voluntary separation from employment. The Judge did not grant the request made by the claimant's representative at the close of the February 2022 hearing to adjourn to allow the claimant an additional opportunity to appear and to present additional evidence and testimony as to her separation. The Board has determined to accord the claimant another opportunity to present additional evidence and testimony.

The parties are directed to review the hearing transcripts of the January 18, 2022, and February 4, 2022, provided to the parties on appeal, in advance of the remanded hearing. The Judge will take any additional testimony and evidence necessary to complete the record.

Now, based on all the foregoing, it is

ORDERED, that the decision of the Administrative Law Judge be, and the same hereby is, rescinded; and it is further

ORDERED, that the case shall be, and the same hereby is, remanded to the Hearing Section to hold a hearing on the issue of the claimant's voluntary separation, ONLY, upon due notice to all parties and their representatives; and it is further

ORDERED, that the hearing shall be conducted so that there has been an opportunity for the above action to be taken, and so that at the end of the hearing, all parties will have had a full and fair opportunity to be heard; and it is further

ORDERED, that an Administrative Law Judge shall render a new decision, on the issue of the claimant's voluntary separation, which shall be based on the entire record in this case, including the testimony and other evidence from the original and the remand hearings, and which shall contain appropriate findings of fact and conclusions of law.

MARILYN P. O'MARA, MEMBER